
ARNOLD & PORTER LLP

Mark R. Merley
Mark.Merley@aporter.com
202.942.5321
202.942.5999 Fax

555 Twelfth Street, N.W.
Washington, DC 20004

April 28, 2011

VIA ECF

The Honorable James Orenstein
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room 456 North
Brooklyn, New York 11201

Re: *In re Payment Card Interchange Fee and Merchant
Discount Antitrust Litigation*, No. 1:05-md-1720 (JG) (JO)

Dear Judge Orenstein:

I write on behalf of all parties to seek the Court's approval of the following agreement that the parties have reached regarding page limits for legal memoranda in opposition to summary judgment and *Daubert* motions. The parties make this request given the scope of these consolidated actions, the range of claims and defenses relating to the three operative class action complaints as well as the separate complaints filed by the individual plaintiffs, the number of *Daubert* motions filed, and the number of parties that will need join in each set of opposition papers.

Page Limits for Summary Judgment Opposition Memoranda. The parties request that the Court (1) permit the class complaint plaintiffs to submit a memorandum in opposition to defendants' motion for summary judgment on the class complaint plaintiffs' claims not to exceed 115 pages and (2) permit the individual plaintiffs to submit a memorandum in opposition to defendants' motion for summary judgment on the individual plaintiffs' claims not to exceed 115 pages. The parties further request that the Court permit defendants collectively to submit memoranda (1) in opposition to the class complaint plaintiffs' motion for summary judgment not to exceed 115 pages in total and (2) in opposition to the individual plaintiffs' motion for summary judgment not to exceed 60 pages in total.

Page Limits for *Daubert* Opposition Memoranda. The parties request that the Court (1) permit each group of plaintiffs to submit memoranda in opposition to the *Daubert* motions directed at its experts not to exceed 75 pages in total and (2) permit defendants to submit

ARNOLD & PORTER LLP

Honorable James Orenstein
April 28, 2011
Page 2

memoranda in opposition to the *Daubert* motions filed by both groups of plaintiffs and directed at defendants' experts not to exceed 120 pages in total.

The parties may not use the full number of pages requested for opposition briefs, but the parties have not yet finalized those briefs. The parties will endeavor to present all issues as efficiently as possible.

Respectfully submitted,

/s/ Mark R. Merley

Mark R. Merley

cc: All Counsel of Record via ECF